The Court also rejects Plaintiff's claim that the City "admitted" it violated Plaintiff's proscriptive rights by "canceling [his] health benefits during and after he took approved FMLA leave." See Pl.'s Br. at 22. Plaintiff's argument is based on nothing more than the mischaracterization of Ms. Derenick's testimony. He offers no evidence that the City cancelled his medical coverage or was responsible for administering his benefits. On the other hand, the Callisons' calling District Council 33, Keystone and the DOL, but not the City, upon learning their medical coverage had been cancelled, suggests they were aware that the City played no role its cancellation.

An appropriate order follows.

United States District Court

for the Eastern District of Pennsylvania

David Callison,	>	
Plaintiff-Appellant,	>	
	>	
vs.	>	No. 03-3008
	>	
City of Philadelphia,	>	
Defendant-Appellee	>	

ORDER

ACCORDINGLY, this 30th day of March, 2004, upon consideration of Defendant's Motion for Summary Judgment (Dkt. No. 18), Plaintiff's response thereto, and Plaintiff's Motion for Partial Summary Judgment (Dkt. No. 20), it is hereby ORDERED that:

1. Defendant's Motion for Summary Judgment (Dkt. No. 18) is GRANTED.
2. Plaintiff's Motion for Partial Summary Judgment (Dkt. No. 20) is DENIED.
3. Judgment is entered in favor of Defendant City of Philadelphia and against Plaintiff Daniel Callison.
4. The Clerk is directed to statistically close this matter.

BY THE COURT:

LEGROME D. DAVIS, J.

United States District Court
for the Eastern District of Pennsylvania

David Callison,	>	
Plaintiff-Appellant,	>	
	>	
vs.	>	No. 03-3008
	>	
City of Philadelphia,	>	
Defendant-Appellee	>	

ORDER

AND NOW, this 30th day of March, 2004, it is hereby ORDERED that in accordance with Rule 58 of the Federal Rules of Civil Procedure, judgment be entered in favor of Defendant, City of Philadelphia, and against Plaintiff, David Callison.

It is further ORDERED that the Clerk of Court statistically close this matter.

BY THE COURT,

Legrome D. Davis, J.

United States District Court
for the Eastern District of Pennsylvania

David Callison,	>	
Plaintiff-Appellant,	>	
	>	
vs.	>	No. 03-3008
	>	
City of Philadelphia,	>	
Defendant-Appellee	>	

MEMORANDUM AND ORDER

By Memorandum and Order of March 31, 2004, the Court granted Defendant's Motion for Summary Judgment, finding that it neither interfered with Plaintiff's right to take leave under the Family Medical Leave Act, 29 U.S.C. § 2601 et seq. ("FMLA"), nor discharged him in retaliation for his taking FMLA leave. Callison v. City of Philadelphia, Civ. A. No. 03-3008, 2004 WL 765479 (E.D. Pa. March 31, 2004). Plaintiff has filed a Motion for Reconsideration under Federal Rule of Civil Procedure 59(e) and a Motion for Relief from Judgment under Federal Rule of Civil Procedure 60(b).

Courts should grant motions for reconsideration sparingly, reserving them for instances where there has been "(1) an intervening change in controlling law, (2) the emergence of new evidence not previously available,

or (3) the need to correct a clear error of law or to prevent a manifest injustice." General Instrument Corp of Delaware. v. Nu-Tek Elecs. & Mfg., Inc., 3 F. Supp. 2d 602, 606 (E.D. Pa. 1998), aff'd., 197 F.3d 83 (3d Cir. 1999); see also Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985), cert. denied, 476 U.S. 1171, 106 S.Ct. 2895 (1986) ("The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence."). Mere dissatisfaction with the court's ruling is not a proper basis for reconsideration. See U.S. v. Phillips, Nos. Civ. A. 97-6475, 93-CR-513, 2001 WL 527810, at *1 (E.D.Pa. May 17, 2001) (citing Burger King Corp. v. New England Hood and Duct Cleaning Co., No. 98-3610, 2000 WL 133756, at *2 (E.D.Pa. Feb. 4, 2000).

Much of Plaintiff's argument is addressed to why, in his view, the Defendant's Sick Leave Policy interfered with his right to take twelve weeks of FMLA leave. See Plaintiff's Memorandum in Support of His Motion to Alter or Amend Judgment ("Pl.'s Mem.") 2-6. The Court has already explained why it found this proposition unavailing. The Court determined that the "Sick Leave Policy's requirement that an employee who is on FMLA leave must call the Sick Leave Hotline when leaving home during regular business hours does not conflict with any substantive provisions of the FMLA." Callison, 2004 WL 765479, at *4. Moreover, the Court found that "Plaintiff was granted twelve workweeks of leave and upon returning to work, he was restored to his former position." Id. at n. 4.[1] Plaintiff

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[1] Plaintiff asserts, without support, that "leave" means the right to be left alone and, therefore, his "leave" was "not 'leave' at all" because the City's Sick Leave

merely appears to disagree with these rulings, which alone is not a proper basis for granting his Rule 59(e) Motion.

Federal Rule of Civil Procedure 60(b)(2) permits relief from judgment on the basis of newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b). See Fed. R. Civ. P. 60(b)(2). To prevail on a Rule 60(b)(2) motion, the movant must show that he exercised due diligence in obtaining the information, that the evidence is material and not merely cumulative, and that the information would have produced a different result if presented before the original judgment. See Compass Tech., Inc. v. Tseng

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Policy subjected him to constant supervision. See Pl.'s Mem. 3-4. "Leave" is not specifically defined in the Act, "so it carries its ordinary dictionary meaning." Babcock v. BellSouth Adver. & Publ'g Corp., 348 F.3d 73, 77 (4th Cir. 2003) (citing Minter v. Beck, 230 F. 3d 663, 666 (4th Cir. 2000)). In the employment context, "'leave' means 'an *authorized* absence or vacation from duty or employment.'" Id. (citing *Webster's Third New Int'l Dictionary* 1287 (1976) (emphasis added)). Under this definition, Plaintiff received FMLA leave.

Plaintiff also argues, for the first time, that the City's Sick Leave Policy conflicts with the FMLA's anti-abuse provisions. See Pl.'s Mem. 6-8. "A motion for reconsideration may not advance new facts, issues, or arguments not previously presented to the court." Vaidya v. Xerox Corp., No. Civ. A. 97-547, 1997 WL 732464, at *2 n.3 (E.D. Pa. Nov. 25, 1997) (citing Smith v.City of Chester, 155 F.R.D. 95, 97 (E.D. Pa. 1994)). Accordingly, the Court declines to consider Plaintiff's newly raised argument.

Labs., Inc., 71 F.3d 1125, 1130 (3d Cir. 1995). The movant under Rule 60(b)(2) "'bears a heavy burden,' which requires 'more than a showing of the potential significance of the new evidence.'" Bohus v. Beloff, 950 F.2d 919, 930 (3d Cir. 1991) (quoting Plisco v. Union R. Co., 379 F.2d 15, 17 (3d Cir.1967), cert. denied, 389 U.S. 1014, 88 S.Ct. 590, 19 L.Ed.2d 660 (1967)). Rule 60(b) motions are viewed as "extraordinary relief which should be granted only where extraordinary justifying circumstances are present." Id. at 930 (quoting Plisco, 379 F.2d at 16; see also Moolenaar v. Gov't of the Virgin Islands, 822 F.2d 1342, 1346 (3d Cir.1987).

To his Motion, Plaintiff has attached a declaration by Deena Bradsher, a former employee of the City of Philadelphia Police Department, who "believe[s] that the City misused the Sick Leave Policy in an effort to terminate [her] employment unfairly while [she] was on protected leave pursuant to the FMLA." See Plaintiff's Motion for Relief From Judgment Pursuant to Rule 60(b), Ex. A ¶ 9. A client of Plaintiff's counsel, Samuel A. Dion, Esq., Ms. Bradsher apparently called Mr. Dion about her January 2004 termination "sometime after" the Court's Memorandum and Order of March 31, 2004. This "newly discovered evidence," however, is not material and would not have produced a different result if presented before the original judgment. Indeed, Ms. Bradsher's termination is wholly irrelevant to Plaintiff's case.

ACCORDINGLY, this 16th day of June, 2004, upon consideration of Plaintiff's Motion for Reconsideration under Federal Rule of Civil Procedure 59(e) (Dkt. No. 24) and a Motion for Relief from Judgment under

Federal Rule of Civil Procedure 60(b) (Dkt. No. 25), and Defendant's response thereto, it is hereby ORDERED that said Motions are **DENIED**.

BY THE COURT:

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LEGROME D. DAVIS, J.